

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-against-

VALE S.A.,

Defendant.

22 Civ. 2405 (LDH) (SJB)

**ORDER DISMISSING WITH PREJUDICE THE  
PLAINTIFF'S SCIENTER-BASED CLAIMS**

WHEREAS, on September 29, 2022, Defendant Vale S.A. moved (ECF No. 31) to dismiss the SEC's Complaint (ECF No. 1);

WHEREAS, on March 28, 2023, the SEC submitted a letter motion for entry of final judgment (ECF No. 49), reflecting the terms of a negotiated settlement;

WHEREAS, in connection with the parties' settlement, the SEC agreed not to oppose Defendant's motion to dismiss the SEC's scienter-based claims, specifically the SEC's first claim for relief under Section 10(b) of the Securities Exchange Act and Rule 10b-5 thereunder, and the second claim for relief, to the extent that it alleges a violation of Section 17(a)(1) of the Securities Act; and

WHEREAS, on April 7, 2023, the Court entered a Final Judgment as to the settled claims in the Complaint (ECF No. 51);

IT IS HEREBY ORDERED that the SEC's first claim for relief under Section 10(b) of the Securities Exchange Act and Rule 10b-5 thereunder, and the second claim for relief, to the

extent that it alleges a violation of Section 17(a)(1) of the Securities Act, are dismissed with prejudice.

Dated: April 7, 2023

s/ LDH

Honorable LaShann DeArcy Hall  
United States District Judge